

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

Santana Bryson and Joshua Bryson,)
as Administrators of the Estate of)
C.Z.B., and as surviving parents of)
C.Z.B., a deceased minor,) Case No. 2:22-CV-017-RWS
)
Plaintiffs,) JURY TRIAL DEMANDED
)
v.)
)
Rough Country, LLC,)
)
Defendant.)

**DEFENDANT ROUGH COUNTRY, LLC'S EMERGENCY MOTION
FOR CLARIFICATION OF COURT'S STANDING ORDER
REGARDING CIVIL LITIGATION**

Defendant Rough Country, LLC, by and through its undersigned counsel, hereby files this motion pursuant to Local Rules 7.1(B) and 7.2(B) to seek clarification of Section III(b) of the Court's Standing Order Regarding Civil Litigation (Doc. 4) and its statement of when a party is required to respond to a *Daubert* motion.

Rough Country shows that this is an emergency motion because it is time-sensitive, and this motion would be rendered moot if Rough Country had to wait the standard time requirements for a response and/or ruling.

On page 21 of the Standing Order, the Court instructs the parties to file their *Daubert* motions “*at least* fourteen (14) days before the pretrial conference.” (§ III(b) (italics added). According to this phrasing, Section III(b) applies no matter when the *Daubert* motion is filed, even if the motion is filed months before the pretrial conference.

Under the Standing Order, regardless of when *Daubert* motions are filed, the “[r]esponses to the motions are due seven (7) days before the pretrial conference.” In other words, the response date is based on the scheduling of the pretrial conference; it is not based on when the *Daubert* motion is actually filed. As of the filing of this motion, the Court has not yet scheduled the pretrial conference for this case.

Plaintiffs filed their “*Daubert* Motion to Exclude Defendant’s Unrepresentative Crash Test,” (Doc. 115), on January 15, 2025.

Thus, under Section III(b) of the Standing Order, Rough Country believes that its response to this *Daubert* motion (Doc. 115) is due “seven (7) days before the [to-be-scheduled] pretrial conference.” This response date is consistent with Rough Country’s understanding that the Court will hold a single hearing on all *Daubert* motions at the same time, at the pretrial conference, and that it will not hold a separate hearing on this *Daubert* motion (Doc. 115) prior to the pretrial conference.

Plaintiffs disagree, and they contend that Rough Country's response to the *Daubert* motion (Doc. 115) is due within 14 days, or by January 29, 2025, pursuant to Local Rule 7.1(B).

Accordingly, Rough Country files this motion to seek clarification of Section III(b) of the Standing Order so that it knows when its response to Plaintiffs' *Daubert* motion (Doc. 115) is due: either 14 days from filing or seven days before the pretrial conference.

WHEREFORE, Rough Country seeks guidance and clarification from the Court as to when its response to Plaintiffs' "Daubert Motion to Exclude Defendant's Unrepresentative Crash Test," (Doc. 115), filed on January 15, 2025, is due to be filed.

This 22nd day of January, 2025.

WEINBERG, WHEELER, HEDGINS,
GUNN & DIAL, LLC

/s/ Aaron Chausmer

Richard H. Hill, II
Georgia Bar No. 354425
Aaron B. Chausmer
Georgia Bar No. 119998

3344 Peachtree Road, N.E.
Suite 2400
Atlanta, GA 30326
Phone: 404-876-2700

*Attorneys for Defendant Rough Country,
LLC*

Fax: 404-875-9433
rhill@wwhgd.com
achausmer@wwhgd.com

RULE 7.1D CERTIFICATE OF TYPE, FORMAT AND FONT SIZE

Pursuant to Local Rule 7.1D of the United States District Court of the Northern District of Georgia, the undersigned certifies that the foregoing submission to the Court complies with Local Rule 5.1 in that it was computer-processed, double-spaced between lines, and used Times New Roman font of 14 point size.

CERTIFICATE OF SERVICE

This is to certify that I have electronically served the foregoing filing with the Clerk of Court via CM/ECF, which will send a copy to the following attorneys of record:

Tedra L. Cannella
Robert H. Snyder, Jr.
Devin Mashman
CANNELLA SNYDER LLC
315 W Ponce de Leon Ave
Suite 885
Decatur, GA 30030

ATTORNEYS FOR PLAINTIFFS

This 22nd day of January, 2025.

/s/ Aaron Chausmer

Aaron B. Chausmer
Georgia Bar No. 119998